

Exhibit 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST
LITIGATION

Master File No: 05-MD-1720 (JG)(JO)

This Document Relates To:

**ORDER REGARDING STIPULATION
FOR LEAVE TO AMEND**

*The Kroger Co., et al v. Visa U.S.A., Inc.,
et al*, Case No: 1:05-CV-05078 (E.D.N.Y.)

*The Kroger Co., et al v. MasterCard
Incorporated, et al*, Case No: 1:06-CV-00039
(E.D.N.Y.)

This cause is before the Court on the Stipulation of the Kroger Plaintiffs and the Visa Defendants and MasterCard Defendants to allow the Kroger Plaintiffs leave to amend their Amended Complaints in the above-captioned cases to add as Plaintiffs H.E. Butt Grocery Company and The Great Atlantic & Pacific Tea Company, Inc.

The Court has considered the parties Stipulation, the record in the case, and being otherwise advised, it is:

Ordered and Adjudged that the Stipulation is approved, accepted and granted and, therefore H.E. Butt Grocery Company and The Great Atlantic & Pacific Tea Company, Inc. are hereby added as Plaintiffs in the above-captioned cases.

Ordered and Adjudged that the Kroger Plaintiffs shall file promptly the Second Amended Complaints in the above-captioned cases.

Ordered and Adjudged that no further response is required to the operative complaints as so amended in the above-captioned cases.

Done and Ordered in Chambers this ____ day of October, 2012.

United States Magistrate Judge

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